

From: ["Perkins, Erin" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=B2E346DBD35A463AB95787E5D0D1BA97-PERKINS, ERIN>](#)
To: [Ott](#)
[Toney](#)
CC:
Date: 8/27/2014 9:40:27 AM
Subject: RE: EPA Contact for Climax Mine Section 404 Permitting Discussions

(b) (5) - Deliberative, (b) (5) - Attorney-Client

-----Original Message-----

From: Ott, Toney
Sent: Wednesday, August 27, 2014 9:39 AM
To: Perkins, Erin
Subject: RE: (b) (5) - Deliberative, (b) (5) - Attorney-Client

[REDACTED]

[REDACTED]

-----Original Message-----

From: Perkins, Erin
Sent: Wednesday, August 27, 2014 9:37 AM
To: Ott, Toney
Subject: (b) (5) - Deliberative, (b) (5) - Attorney-Client

(b) (5) - Deliberative, (b) (5) - Attorney-Client

-----Original Message-----

From: Ott, Toney
Sent: Wednesday, August 27, 2014 9:34 AM

To: Perkins, Erin
Subject: FW: EPA Contact for Climax Mine Section 404 Permitting Discussions

Erin

(b) (5) - Deliberative, (b) (5) - Attorney-Client

-----Original Message-----

From: Flannery-Keith, Erin
Sent: Wednesday, August 27, 2014 9:23 AM
To: Ott, Toney; Kwok, Rose; Christensen, Damaris; Hamilton, Karen
Subject: (b) (5) - Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

Erin Flannery Keith
U.S. Environmental Protection Agency
Office of Wastewater Management
Water Permits Division
1200 Pennsylvania Ave. NW MC 4203M
Washington, DC 20460
flannery-keith.erin@epa.gov


202-566-0689

-----Original Message-----

From: Ott, Toney
Sent: Wednesday, August 27, 2014 11:13 AM

To: Kwok, Rose; Christensen, Damaris; Flannery-Keith, Erin; Hamilton, Karen
Subject: FW: EPA Contact for Climax Mine Section 404 Permitting Discussions
Importance: High

Apparently Climax wants to discuss the JD with EPA. They want to discuss the original language in the 1974 NPDES permit. Colorado is now issuing the permits, and have been for a while. (b) (5) - Deliberative




The response to the Corps is due on August 29, (b) (5) - Deliberative. I would like to schedule a call to discuss our response and what EPA staff name we should refer to Climax.

Toney Ott
Environmental Scientist
US EPA, 8EPR-EP
1595 Wynkoop Street
Denver, CO 80202-1129
303-312-6909
ott.toney@epa.gov

-----Original Message-----

From: McWhirter, Lesley A SPK [mailto:Lesley.A.McWhirter@usace.army.mil]
Sent: Wednesday, August 20, 2014 11:11 AM
To: Ott, Toney
Cc: Nall, Susan SPK; Finan, Michael C SPK; Holmes, Joshua R SPK
Subject: This portion has been redacted and referred to the Corp. of Engineers



This
portion
has
been
redacted
and
referred
to the
Corp. of
Environ

-----Original Message-----

From: Lazuk, Raymond [mailto:Raymond_Lazuk@FMI.com]

Sent: Wednesday, August 20, 2014 11:01 AM

To: McWhirter, Lesley A SPK

Cc: Nall, Susan SPK; Finan, Michael C SPK; Holmes, Joshua R SPK; Deely, Sheila H.; Decker, D. Lee; 'Robert M. Andersen' (randersen@ClarkHill.com)

Subject: [EXTERNAL] EPA Contact for Climax Mine Section 404 Permitting

Lesley,

Thank you for the recent opportunity to discuss your preliminary conclusions and recommendations regarding the jurisdictional determination (JD) of the McNulty Gulch study area prior to submittal to EPA.

As you are aware, our position regarding the extent of the waste treatment system exemption as applied to the McNulty Gulch drainage area at the Climax Mine turns on language from the original NPDES permit that EPA Region 8 issued to Climax in 1974. That permit (p. 6 of 17 (Section (B)(1))) directly required construction , operation, and maintenance of the east and west interceptors at the mine to convey clean water around the mine site, allow impacted water within the mine site to be treated, and to ensure compliance with effluent limitations.

Because the 1974 NPDES permit issued by EPA establishes the scope and configuration of the waste treatment system for the Climax Mine, along with the fact that the application of the waste treatment exemption is largely defined by Section 402 of the Clean Water Act, we believe it is important that Climax discuss the appropriate application of the waste treatment system directly with EPA, as it has with the Corps. We would very much appreciate your advising us as to who you are specifically conferring with at EPA, and we would be grateful if you would pass along this message to them.

- Ray

Raymond Lazuk

Environmental Manager

Climax Molybdenum Company - Climax Mine

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